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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
MEETING DATE AND TIME:	Tuesday, March 13, 2012 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Cannon Building, Second-Floor Conference Room B
MINUTES APPROVED:	May 8, 2012

MEMBERS PRESENT

Terri White, Professional Member, President
Tim Ballas, Professional Member, Vice President
Mike Salitsky, Professional Member
Hope Squier, Healthcare/Public Member
Sandra Dole, Healthcare/Public Member
Elizabeth Hague, Public Member
Victorine Parker, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Daniel Stevenson, Deputy Attorney General
Michele Howard, Administrative Specialist II
Kay Warren, DPR Deputy Director (entered at 1:55 p.m.)

MEMBERS ABSENT

Tim Bane, Public Member
Frances Wimbush, Public Member, Secretary

PUBLIC PRESENT

Terry Burke, Wilcox & Fetzer
Mark Yoder, Jr.
Cheryl Hollis
Tina Larose

CALL TO ORDER

Ms. White called the meeting to order at 1:07 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the January 10, 2012 meeting. Ms. Dole made a motion, seconded by Ms. Squier, to approve the minutes as presented. The motion was unanimously approved.

PUBLIC HEARING, RULES & REGULATIONS

BOARD PRESENT: Terri White, Tim Ballas, Mike Salitsky, Hope Squier, Elizabeth Hague, Sandra Dole, Victorine Parker

PRESIDING: Terri White, President

BOARD STAFF: Michele Howard, Administrative Specialist II

BOARD COUNSEL: Daniel Stevenson, Deputy Attorney General

PUBLIC PRESENT: Cheryl Hollis

COURT REPORTER: Terry Burke, Wilcox and Fetzer

PURPOSE: Definition of Preceptor
Revisions to the AIT Program
Late Renewal Period
CE Credit for Meeting Attendance – Professional NHA Board Members

The hearing began at 1:06 p.m. The court reporter took verbatim testimony. DAG Daniel Stevenson introduced himself and stated the purpose of the hearing. Mr. Stevenson introduced the affidavit of publication from The News Journal as Board's Exhibit 1 and the affidavit of publication from the Delaware State News as Board's Exhibit 2. Mr. Stevenson stated that no written public comment was received by the Board office. The Board members introduced themselves for the record. There was no public comment.

The Board went off the record at 1:09 p.m. to deliberate.

The Board went back on the record at 1:10 p.m. Ms. White made a motion, seconded by Ms. Parker, to adopt the amendments to the Board's Rules and Regulations as proposed. The motion passed unanimously. The hearing concluded at 1:10 p.m. Mr. Stevenson will present a Board Order at the next meeting for signatures.

CONTINUATION OF RULE TO SHOW CAUSE HEARING

CHERYL A. HOLLIS

BOARD PRESENT: Terri White, Tim Ballas, Mike Salitsky, Hope Squier, Elizabeth Hague, Sandy Dole, Victorine Parker

PRESIDING: Terri White, President

BOARD STAFF: Michele Howard, Administrative Specialist II

BOARD COUNSEL: Daniel Stevenson, Deputy Attorney General

RESPONDENT: Cheryl A. Hollis

PUBLIC PRESENT: Tina Larose, Mark Yoder, Jr.

COURT REPORTER: Terry Burke, Wilcox and Fetzer

The hearing began at 1:12 p.m. The court reporter took verbatim testimony. DAG Stevenson introduced himself and stated the purpose of the hearing. The Board Members introduced themselves for the record. Mr. Stevenson questioned and Ms. Hollis confirmed that she wanted to proceed without legal representation.

Mr. Stevenson introduced a packet of documents as Respondent's Exhibit 1, which included the following:

1. A summary of CE courses offered by Healthsoft, Inc. from 5/15/10 through 5/18/10, with corresponding course information and certificates of completion for Ms. Hollis;
2. A summary of CE courses offered by DDNA from 5/14/11 through 5/17/11, with corresponding course information and certificates of completion for Ms. Hollis;
3. A summary of a CE course offered by PESI Healthcare on 3/14/11, with corresponding course information and a certificate of completion for Ms. Hollis;
4. A summary of a CE course offered by Delaware Health & Social Services Division of Public Health on 6/29/11, with corresponding course information and a certificate of completion for Ms. Hollis.

Ms. Hollis was sworn in by the court reporter. Ms. Hollis summarized the packet of documents for the Board. The Board questioned Ms. Hollis and she responded. Ms. Hollis gave testimony.

The Board went off the record to deliberate at 1:30 p.m. The Board went back on the record at 1:33 p.m.

Mr. Salitsky made a motion, seconded by Mr. Ballas, to approve the courses submitted by Ms. Hollis for the 2009-2011 licensure period only, and not for any future licensing periods. This is a one-time approval and the Board reiterated to Ms. Hollis that all future continuing education must be approved by NAB or the Delaware NHA Board. The motion passed by a majority vote, with Ms. Squier opposed. Ms. Squier stated that she believes that if Ms. Hollis holds two professional licenses (Registered Nurse and Nursing Home Administrator), then she should earn continuing education credits for both professions, separate from each other. The Board went off the record at 1:34 p.m.

After the hearing, Ms. Hollis addressed Ms. Squier's objection.

DISCIPLINARY HEARING

MARK YODER, JR.

<u>BOARD PRESENT:</u>	Terri White, Tim Ballas, Mike Salitsky, Hope Squier, Elizabeth Hague, Sandra Dole, Victorine Parker
<u>PRESIDING:</u>	Terri White, President
<u>BOARD STAFF:</u>	Michele Howard, Administrative Specialist II
<u>BOARD COUNSEL:</u>	Daniel Stevenson, Deputy Attorney General
<u>RESPONDENT:</u>	Mark Yoder, Jr.
<u>PUBLIC PRESENT:</u>	Tina Larose
<u>COURT REPORTER:</u>	Terry Burke, Wilcox and Fetzer
<u>PURPOSE:</u>	Petition to Lift License Suspension

The hearing began at 1:42 p.m. The court reporter took verbatim testimony. DAG Daniel Stevenson introduced himself and stated the purpose of the hearing. The Board members introduced themselves for the record. Mr. Stevenson read aloud 24 *Del.C.* § 5220. Mr. Stevenson introduced a packet of documents as Board's Exhibit 1, which included the following:

1. A copy of the original audit notice mailed to Mr. Yoder on 9/7/11;
2. Copies of the three certificates of completion originally submitted by Mr. Yoder
 - a. Division of Substance Abuse & Mental Health, *CARES*, September 2009, 11.0 CE
 - b. Medical Update, *CHEESE Making Change Work for You* (online), 7/15/11, 6.0 CE
 - c. Medical Update, *Lest We Forget* (online), 7/8/11, 12.0 CE
3. A copy of the Board's Decision and Order suspending Mr. Yoder's license on 1/10/12;
4. A copy of the certified letter mailed to Mr. Yoder on 2/1/12 notifying him of his license suspension;
5. A copy of the certified green card confirming Mr. Yoder's receipt of the 2/1/12 letter;
6. A copy of the certified letter mailed to Mr. Yoder on 2/6/12 confirming the date and time for this hearing;
7. A copy of the certified green card confirming Mr. Yoder's receipt of the 2/6/12 letter;
8. A copy of the certified letter mailed to Mr. Yoder on 2/8/12 with his copy of the Board's Decision & Order suspending his license;
9. A copy of the certified green card confirming Mr. Yoder's receipt of the 2/8/12 letter;
10. Faxed confirmation from Mr. Yoder that he would attend today's hearing.
11. A copy of a certificate of completion (not previously submitted) reflecting that Mr. Yoder completed 5.75 hours of continuing education on 4/27/11 at Delaware Healthcare Facilities Association in a course titled *Leadership Development – Insights and Practices*.

Mr. Yoder submitted two additional certificates of completion for courses taken in January and February 2012, outside of the audited licensure period. The Board agreed that Mr. Yoder only needed to submit one certificate of completion for a total of 6.0 additional CEUs. The other certificate was returned to Mr. Yoder.

The Board went off the record at 1:54 p.m. to deliberate. The Board went back on the record at 1:55 p.m. Mr. Salitsky made a motion, seconded by Timothy Ballas, to accept 6.0 CEUs earned by Mr. Yoder in January 2012, and to lift the suspension of his NHA license. The course taken in January 2012 for 6.0 CEUs is credited towards the 2009-2011 licensure period and cannot be resubmitted as CE credit for the current licensure period. The motion passed unanimously. The hearing concluded at 1:56 p.m.

The Board took a break at 1:56 p.m. and reconvened at 2:01 p.m.

UNFINISHED BUSINESS

REQUEST TO RETAKE NAB EXAM – TINA LAROSE

Ms. White stated that Tina Larose was invited to attend the Board meeting to discuss her failed attempts at the NAB exam and the possibility of a fourth attempt. Per the Board's Rules and Regulations, Ms. Larose must complete an additional 40 hours of training and obtain the Board's permission to retake the NAB exam for a fourth time. The Board questioned Ms. Larose and she responded. Ms. Larose stated that she had a heavy load of commitments when she previously tried to pass the NAB exam. Her commitment load has lessened and she now has more time to focus on passing the exam. Ms. Larose added that her average exam score is 102-103, which is 10 points shy of passing. Ms. Larose has ordered a diagnostic report of her exams, but has not received the report yet. She will forward the diagnostic report to Ms. Howard at the Board office as soon as she receives it from NAB. After further discussion, Mr. Stevenson advised that Ms. Larose must train for an additional 40 hours under a Board-approved preceptor. Ms. Larose stated that her previous preceptors were Susan Comegys and Keith Ropka. Ms. White made a motion, seconded by Mr. Salitsky, to allow Ms. Larose to retake the NAB exam for a fourth time, contingent on Ms. Larose finding an approved preceptor and completing an additional 40 hours of training. The motion passed unanimously. Ms. Larose will submit a preceptor letter and training outline for the Board's review. Once the preceptor and outline are approved, Ms. Larose may begin the additional training. Once the training is completed, Ms. Larose and her preceptor will submit a progress report to the Board. Ms. Larose may retake the NAB exam after the progress report is accepted.

CONTINUING EDUCATION AUDIT OF LICENSEES

Sign Board Orders

Gregory Mervine

Brenda C. Coley-Moody

Mark Yoder, Jr.

Ms. Howard stated that Ms. White executed the Board Orders of Gregory Mervine, Brenda C. Coley-Moody, and Mark Yoder, Jr. within 30 days of the Board's decision to suspend their licenses. Ms. Howard distributed the Orders of all three licensees for signatures of the remaining Board Members.

Rule to Show Cause Hearing Scheduled with Hearing Officer

Dennis Koza

Ms. Howard stated that all Rule to Show Cause Hearings would be heard by a DPR Hearing Officer, effective immediately. Dennis Koza was a late renewal, which generated an automatic audit of his continuing education. Mr. Koza was deficient on his audit submission and has been scheduled for a hearing before a Hearing Officer.

STRATEGIC PLAN

Review NAB's Definition of Preceptor (NAB Guide)

Review NAB's AIT Program (NAB Guide)

Compare NAB's AIT Outline to Board's Addendum A

The Board agreed that it is not necessary to review the NAB Guide at this time. Ms. Howard will maintain the NAB Guides at the Board office as reference manuals.

NEW BUSINESS

RATIFICATION OF LICENSURE

Tameka Hackett (9-mo AIT)

Ms. White reported that Mr. Ballas previously approved Ms. Hackett for a 9-month AIT. Ms. White made a motion, seconded by Ms. Squier, to ratify the AIT licensure of Tameka Hackett. The motion passed by majority vote, with Mr. Ballas recusing himself.

Carroll Anderson (Temporary NHA)

Ms. White reported that she previously approved Ms. Anderson for a Temporary NHA to replace Mark Yoder during his license suspension. Mr. Ballas made a motion, seconded by Mr. Salitsky, to ratify the temporary licensure of Carroll Anderson. The motion passed by majority vote, with Ms. White recusing herself.

REVIEW OF APPLICATIONS FOR LICENSURE

Sheila O’Gara (NHA by AIT)

After review, Ms. White made a motion, seconded by Ms. Squier, to approve the NHA licensure application of Sheila O’Gara. The motion passed unanimously.

REVIEW OF AIT PROGRESS REPORTS

None

REVIEW OF AIT SUMMARY (as of 3/2/12) – Ms. Howard

Ms. Howard distributed and summarized a status report of current AITs. After review, Ms. White made a motion, seconded by Mr. Salitsky, to send letters to Christopher Collins, David Boyer, and Megan Nessel regarding their delinquent AIT progress reports. The motion passed unanimously.

REVIEW OF CONTINUING EDUCATION APPROVAL REQUESTS:

- Health Care Association of New Jersey (HCANJ) – 40th Annual State 20-Hour Symposium
Health Care Reform, 3/20/12, Requesting 7.0 CE
Vision of Global Evolving Issues, 3/21/12, Requesting 7.0 CE
Labor & Employment Law Regulatory Advisory for Nursing Homes & Assisted Living Settings,
3/21/12, Requesting 3.0 CE
Quality Indicator Survey and Quality-Changes & Challenges: QIS and Readmission, 3/22/12,
Requesting 3.0 CE
Restorative Nursing Program & Resident Advocacy, 3/22/12, Requesting 3.0 CE
State & National Health Care Update for Nursing Homes & Assisted Living Settings, 3/22/12,
Requesting 3.0 CE

Ms. White and Mr. Ballas reviewed the CE application of Health Care Association of New Jersey. Ms. White and Mr. Ballas agreed that the courses submitted do not total 20 contact hours as requested. The Board expressed concern that *20-Hour Symposium* was in the title of the offering. The Board also expressed concern that the course materials indicated that Delaware, among other states, had already approved the courses for credit hours prior to the Board’s review, and that the credit hours stated were not approved. Ms. White made a motion, seconded by Mr. Ballas, to approve the symposium for a total of 18.5 CEUs, broken down as follows:

- *Health Care Reform, 3/20/12, Approved for 6.5 CEUs*
- *Vision of Global Evolving Issues, 3/21/12, Approved for 6.5 CEUs*
- *Labor & Employment Law Regulatory Advisory for Nursing Homes & Assisted Living Settings, 3/21/12, Approved for 2.75 CEUs*
- *Quality Indicator Survey and Quality-Changes & Challenges: QIS and Readmission, 3/22/12, Approved for 2.75 CEUs*
- *Restorative Nursing Program & Resident Advocacy, 3/22/12, Approved for 2.75 CEUs*
- *State & National Health Care Update for Nursing Homes & Assisted Living Settings, 3/22/12, Approved for 2.75 CEUs*

The motion passed unanimously.

- DHCFA – Quality Assurance & Performance Improvement – Current & New Regulations Course,
3/21/12, Requesting 4.0 CE
- Five Star Senior Living – Montessori-Based Dementia Programming, 1/11/12 – 1/12/12, Requesting
14.0 CE

- Crozer-Keystone Senior Health Services – A Morning with the Secretary of Aging, 11/17/11, Req'g 3.0 CE
- York College of Pennsylvania – Third Party Reimbursement (LTC Administration Program #6), 10/22/11, Requesting 7.5 CE
- Delaware Hospice
 - Final Days – Final Hours, Dates TBD, Requesting 1.6 CE
 - Dementia vs. Delirium, Dates TBD, Requesting 1.25 CE
 - When A Child Dies, 4/20/12, Requesting 6.0 CE
- PESI Healthcare – The Bagful of Pills: A Practical Approach to Geriatric Pharmacotherapy, 4/30/12, Requesting 6.25 CE
- DE Health & Social Services Division of Long Term Care Residents Protection – Delaware LTC Medication Safety Summit, 2/23/12, Requesting 5.0 CE

Ms. White and Mr. Ballas reviewed the CE applications of DHCFA, Five Star Senior Living, Crozer-Keystone Senior Health Services, York College of Pennsylvania, Delaware Hospice, PESI Healthcare, and DE Health & Social Services Division of Long Term Care Residents Protection. Ms. White made a motion, seconded by Mr. Ballas, to approve the courses as presented for the requested number of CE hours. The motion passed unanimously.

COMPLAINT STATUS

No updates.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Dole questioned, and Ms. Howard explained, the difference in a post-renewal audit and a pre-renewal audit. Mr. Salitsky requested that the Board reconsider its Rules and Regulations governing continuing education to allow more than 12 credit hours for online courses. Ms. Howard will add this request to the Board's next agenda for discussion. Ms. Squier asked that the Board revisit its previous discussion about granting CE credit to preceptors. Ms. Howard will also add this discussion item to the Board's next agenda.

PUBLIC COMMENT

None


NEXT SCHEDULED MEETING

The next meeting is scheduled to be held on May 8, 2012 at 1:00 p.m. in the second-floor Conference Room B of the Cannon Building located at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Parker made a motion, seconded by Ms. Dole, to adjourn the meeting at 2:46 p.m. The motion passed unanimously.

Respectfully submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.